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March 14, 2014

Mr. Arne Wick, RWRCC
PO Box 201601
Helena, MT 59620-1601

RE: Comments on the Reserved Water Rights Compact

Dear Mr. Wick;

Thank you for making the opportunity to comment on the RWRCC possible. I hope that you receive a good response to your request for input and that the Commission takes the comments into consideration with their future negotiations.

The Real Estate community knows that a Compact must be crafted and adopted on the Confederated Salish Kootenai Reservation. It has been difficult for Realtors to sell properties on the Reservation that have a question mark as to future water rights and dubious existing water rights. The adoption of a fair Compact would greatly benefit all parties in this predicament.

Interested Realtors and staff from the Northwest Montana Association office have been attending Compact meetings for many years and have provided some public comments and asked questions for clarification. In fact, there have been several presentations here at our Association office where members of the Compact Commission have come to speak, listen and answer questions. In the interest of fairness, there have been speakers from groups that oppose the Compact that have also visited to voice their concerns.

When negotiations came to a close and in the ensuing rush to get the document approved by the legislature, it became harder to give a blanket "seal of approval" as there were changes being made at the last minute and it was hard to track what we might be "approving". In light of this, our Government Affairs Committee voted to support Senator Verdell Jackson's bill to extend the Commission's authority for two additional years and to study the situation at a more reasonable pace. Additionally, we were hearing that the FIIP portion of the Agreement was not pulling together as planned and it became doubtful as to whether or not they would have the necessary votes needed in time for ratification by the legislature. Government Affairs Committee members could not in good faith recommend that our organization approve a "work-in-progress" document, or a document that was having difficulty in getting approval from its most affected water users; the FIIP.

WATER POLICY INTERIM
COMMITTEE. 2013-14

March 18, 2014 Exhibit No. 12

I'm hopeful that with some additional time, a well-crafted Compact will be sent out to the public for their careful review and consideration. It is necessary to have the irrigators support, for without buy-in from this segment of the water user community, the document seems destined to fail once again. At this time, we do not have any specific questions as to the Compact itself, but offer a few comments as to what might improve chances for future ratification.

Some of our observations as to why the Compact had a difficult and tempestuous road through the process was that a better "PR" job needed to be done; that a clearer, more concise message needed to be put forth. For example, there were times that some of the most basic of questions were not addressed directly by those on the Compact Commission. Avoiding these basic questions such as "Where is the quantification of the water currently being used on the Reservation?" and direct queries as to the Constitutionality of the entire endeavor bred additional mistrust and feelings of being deliberately misled. Many times during the presentations/public meetings, the Commission members lapsed into "legal-ese" and it became difficult for the layman in the audience to follow.

The only measurement that the public had to judge this Compact, was by comparing it to other Compacts around the state that had been ratified, and those were so vastly different than the CSKT Compact in terms of water rights granted the tribes. There was never a clear explanation as to why the Compacts varied from reservation to reservation. This led to suspicion and belief that the Commission was giving CSKT everything it wanted throughout the "negotiation" process. The fact that the "negotiations" were never in the public eye also fueled the fires of mistrust. Many of the posted agendas for meetings noted "negotiations", however, when the Commission and tribal teams came to the table, it was obvious that agreements had been come to previously and that all negotiating had been done beforehand. The audience never could get a sense of what had been on the table at the get-go, and what concessions by either party had been made. More transparency on this portion of the project could have dispelled quite a bit of hysteria and fear-mongering. The CSKT could have been a stronger voice in the campaign for approval. It was never heard how much the Tribe had given up in the negotiations, how much they could have taken and how the original Hellgate Treaty gave them additional rights over other treaties that had been made with tribes in the state.

Complicated presentations by engineers and hydrogeologists glazed people over by using mathematical formulas and statistical projections, but did not address issues in plain, clear language. Additionally, many times I heard Commission members say that passing the Compact through the legislature was going to be a "slam dunk" and "a sure thing". This type of attitude contributed to fanning the flames of government conspiracy theories that already abound in this area. And finally, although I understand the timeframe in which you were up against, but the last-minute race to the legislature without the irrigator support contributed to eating away any remaining support that we could rally.

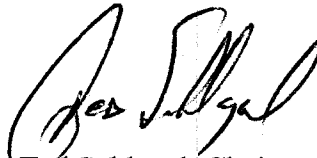
A final suggestion may be to have an impartial professional facilitator assist in the presentations with the public. Having a representative of the negotiation team, and then run the public meetings, sometimes gave the appearance that of orchestrating the flow of information.

Thank you again for the opportunity to express our concerns. I hope that you take these comments in the spirit in which they were given; not to be obstructive, but constructive in hope that future Compact proposals will be better received and supported.

Sincerely,



Bill Leininger, President
Northwest Montana Association of Realtors



Ted Schlegel, Chair
Government Affairs Committee



Erica Wirtala, GAD
Northwest Montana Association of Realtors